

AN ORDINANCE 2006-02-09-0172

AMENDING CHAPTER 19 OF THE SAN ANTONIO CITY CODE IN THE INTEREST OF SAFETY TO PROHIBIT THE OPERATION OF MOTOR ASSISTED SCOOTERS, NEIGHBORHOOD ELECTRIC VEHICLES AND POCKET BIKES OR MINIMOTORBIKES ON STREETS, HIGHWAYS AND SIDEWALKS; TO PROHIBIT THE OPERATION OF POCKET BIKES OR MINIMOTORBIKES IN CITY PARKS; TO PROHIBIT MOTOR ASSISTED SCOOTERS IN CITY PARKS EXCEPT WHERE PERMITTED BY SIGN; TO PROHIBIT THE OPERATION OF ANY VEHICLE REGULATED UNDER THIS ORDINANCE BY A PERSON UNDER 21 YEARS OF AGE NOT WEARING A HELMET OR BY A CHILD NOT UNDER DIRECT SUPERVISION OF A PARENT; AND TO PROHIBIT THE OPERATION OF ANY MOTOR ASSISTED SCOOTER ALTERED FROM THE ORIGINAL MANUFACTURER'S DESIGN; AND PROVIDING FOR CRIMINAL FINES FOR VIOLATION OF THIS ORDINANCE.

* * * * *

WHEREAS, the City Council has determined that in the interest of safety, it is necessary to prohibit the operation of motor assisted scooters, neighborhood electric vehicles and pocket bikes or minimotorbikes on the streets, sidewalks and highways in San Antonio; and

WHEREAS, the City Council has determined that in the interest of safety, it is necessary to prohibit the operation of neighborhood electric vehicles and of pocket bikes and minimotorbikes in City parks and to regulate the use of motor assisted scooters in City parks; and

WHEREAS, the City Council has determined that in the interest of safety, it is necessary to prohibit the operation of certain vehicles in the City by persons under 21 years of age who are not wearing a helmet and the operation of certain vehicles by children under 15 years of age who are not under the direct supervision of a parent; and

WHEREAS, the City Council has determined that in the interest of safety, it is necessary to prohibit the operation of any motor assisted scooter which has been mechanically altered from the original manufacturer's design; and

WHEREAS, Texas state law provides that a municipality may prohibit the operation of a neighborhood electric vehicle on a street or highway or a motor assisted scooter on a sidewalk, street or highway if the governing body of the municipality determines that the prohibition is necessary in the interest of safety; and

WHEREAS, Texas state law does not authorize the operation of a pocket bike or minimotorbike on any highway, road, street, bicycle path or sidewalk, or the operation of a neighborhood electric vehicle on any sidewalk; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 19 of the San Antonio City Code is hereby amended by the addition of Section 294 providing the following:

(A) In this section, the following definitions apply:

(1) **MOTOR ASSISTED SCOOTER** means:

(a) A self-propelled device with:

- (1) at least two wheels in contact with the ground during operation;
- (2) a braking system capable of stopping the device under typical operating conditions;
- (3) a gas or electric motor not exceeding 40 cubic centimeters;
- (4) a deck designed to allow a person to stand or sit while operating the device; and
- (5) the ability to be propelled by human power alone; and

(b) does not include a pocket bike or minimotorbike.

(2) **NEIGHBORHOOD ELECTRIC VEHICLE** means a vehicle subject to Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500).

(3) **POCKET BIKE OR MINIMOTORBIKE** means a self-propelled vehicle that is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters, is designed to propel itself with not more than two wheels in contact with the ground, has a seat or saddle for the use of the operator, is not designed for use on a highway, and is ineligible for a certificate of title under Chapter 501 of the Texas Transportation Code. The term does not include:

- (a) a moped or motorcycle;
- (b) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code;

- (c) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code;
 - (d) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code; or
 - (e) a neighborhood electric vehicle.
 - (4) **PROTECTIVE HEADGEAR** means headgear which meets the minimum safety standards for protective headgear used by motorcyclists in this state as adopted by the Texas Department of Transportation.
- (B) A person commits an offense if the person:
- (1) operates a motor assisted scooter, neighborhood electric vehicle or a pocket bike or minimotorbike on a street, highway or sidewalk;
 - (2) operates a neighborhood electric vehicle or a pocket bike or minimotorbike anywhere in a park;
 - (3) operates a motor assisted scooter in a park, unless on a designated park trail where the operation of such scooters is specifically authorized by sign;
 - (4) operates, if under 21 years of age, a motor assisted scooter, neighborhood electric vehicle or a pocket bike or minimotorbike unless wearing protective headgear;
 - (5) knowingly fails as a parent of a child or a guardian of a ward, to directly supervise the operation by a child or a ward under 15 years of age of a motor assisted scooter, neighborhood electric vehicle or pocket bike or minimotorbike; and
 - (6) operates a motor assisted scooter which has been mechanically altered from the original manufacturer's design;
- (C) A culpable mental state is not required, and need not be proved, for an offense under Subsection (B)(1), (2), (3), (4) or (6).

SECTION 2. Any person who engages in any activity specified in Subsection (B) (1), (2), (3), (5), and (6), above, commits a Class C misdemeanor and is subject to a fine not to exceed \$500.00.

SECTION 3. Any person who fails to wear protective headgear in violation of Subsection (B) (4) above, commits a Class C misdemeanor and is subject to a fine of not less than \$10.00 nor more than \$50.00.

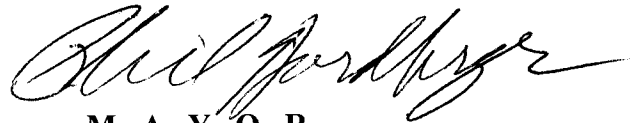
SECTION 4. Revenue generated by the ordinance is to be deposited into Fund 11001000, General Fund, Internal Order 203000000026, MUNICIPAL COURT FINES, General Ledger 4602100, Non Traffic Fines.

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Director of Finance for the City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. The City Clerk is directed to promptly publish public notice of this ordinance in accordance with Section 17 of the City Charter.

SECTION 7. This ordinance shall be effective on the fifth day after publication or on approximately February 24, 2006.

PASSED AND APPROVED on this the 9th day of February, 2006.




M A Y O R
PHIL HARDBERGER

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney

Agenda Voting Results

Name: 5.

Date: 02/09/06

Time: 10:48:16 AM

Vote Type: Multiple selection

Description: An Ordinance amending Chapter 19 of the City Code to prohibit and regulate the operation of motor assisted scooters, neighborhood electric vehicles and pocket bikes or mini-motorbikes on streets, highways, sidewalks, and in parks; and providing for a criminal fine in an amount not to exceed \$500.00 per violation. [Presented by Albert A. Ortiz, Chief of Police, Erik J. Walsh, Assistant to the City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

**CITY OF SAN ANTONIO
POLICE DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

FROM: Albert A. Ortiz, Chief of Police

SUBJECT: Regulation of Neighborhood Electric Vehicles, Motor-Assisted Scooters and Mini-motorbikes

DATE: February 9, 2006

SUMMARY AND RECOMMENDATIONS

An Ordinance amending Chapter 19 of the City Code to prohibit the operation of motor-assisted scooters, neighborhood electric vehicles and mini-motorbikes on streets, highways and sidewalks; the operation of mini-motorbikes in City parks; motor-assisted scooters in City parks except where permitted by sign; the operation of such vehicles by a person under 21 years of age without a helmet or by a child not under direct supervision of a parent; altering a motor-assisted scooter from the original manufacturer's design; and providing for a criminal fine in an amount not to exceed \$500.00.

Staff recommends approval.

BACKGROUND INFORMATION

The passage of the Neighborhood Electric Vehicles and Motor-Assisted Scooter Act by the State Legislature authorizes municipalities to prohibit the operation of neighborhood electric vehicles or motor-assisted scooters on any roadway in the interest of public safety. This act also clarifies that mini-motorbikes are not authorized to be operated on any highway, road, street, or path set aside for the exclusive operation of bicycles.

In recent years, the popularity and use of motor-assisted scooters and mini-motorbikes has increased significantly. This use appears to be prevalent particularly among minors. Operators of these vehicles frequently disregard traffic signalization, and/or are uninformed of local state traffic regulations. This has created a safety concern for the operators of said vehicles as well as other vehicular traffic on the City roadways.

Based on these concerns, the City will prohibit motor-assisted scooters, neighborhood electric vehicles and mini-motorbikes on streets, highways and sidewalks. Motor-assisted scooters will be allowed in City parks but only on exclusive bike paths and trails. Neighborhood electric vehicles and mini-motorbikes will be completely prohibited in City Parks. Children operating these devices will be required to be under the direct supervision of a parent and parents may be held responsible for the actions of their children operating these devices. Operators/riders under

the age of 21 will be required to wear a helmet. Additionally, modifications to a scooter which alter the scooter from original manufacturer's design will be prohibited. Fines of up to \$500 will be established for any violations of this ordinance.

POLICY ANALYSIS

This ordinance continues City Council's policy of conducting comprehensive reviews and oversight of city operations and regulations to ensure public safety.

FISCAL IMPACT

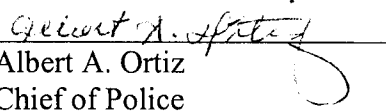
Fiscal impact associated with this action will be revenue collected through fines.

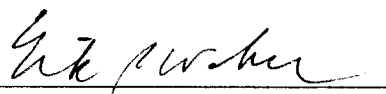
COORDINATION

This ordinance request has been coordinated with Finance, City Attorney's Office, Municipal Courts and the Office of Management & Budget.

SUPPLEMENTAL COMMENTS

The Discretionary Contracts Disclosure Form is not required.


Albert A. Ortiz
Chief of Police


Erik J. Walsh
Assistant to the City Manager

Approved:


Sheryl Sculley
City Manager

DO NOT TYPE IN THIS SPACE		CITY OF SAN ANTONIO		<div style="border: 1px solid black; padding: 5px;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <p style="text-align: center; margin: 0;">Approval</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">Finance</td> <td style="width: 50%; padding: 2px;">Budget</td> </tr> <tr> <td style="padding: 2px;">Legal</td> <td style="padding: 2px;">Coordinator</td> </tr> </table> </div> <div style="width: 60%;"> <p style="text-align: center; margin: 0;">Request For Ordinance/Resolution</p> <p style="margin: 5px 0;">Consent <input type="checkbox"/> Individual <input type="checkbox"/></p> <p style="margin: 5px 0;">Item No. <u>5</u></p> <p style="margin: 5px 0;">Ord. No. _____</p> </div> </div> </div>		Finance	Budget	Legal	Coordinator
Finance	Budget								
Legal	Coordinator								
Date: February 1, 2006		Department: Police		Contact Person/Phone #: DC Rudy Gonzales Ext. 72138					
Date Council Consideration Requested: February 9, 2006		Deadline for Action: February 9, 2006		Dept. Head Signature <i>Robert A. [Signature]</i>					
SUMMARY OF ORDINANCE									
<p>An Ordinance amending Chapter 19 of the City Code to prohibit the operation of motor-assisted scooters, neighborhood electric vehicles and mini-motorbikes on streets, highways and sidewalks; the operation of mini-motorbikes in City parks; motor-assisted scooters in City parks except where permitted by sign; the operation of such vehicles by a person under 21 years of age without a helmet or by a child not under direct supervision of a parent; altering a motor-assisted scooter from the original manufacturer's design; and providing for a criminal fine in an amount not to exceed \$500.00.</p> <p>Staff recommends approval.</p> <p style="text-align: center; margin-top: 20px;">Council Memorandum Must be Attached To Original</p>									
Other Depts., Boards, Committees Involved (please specify): Finance, City Attorney's Office, Municipal Courts and the Office of Management & Budget									
Contract signed by other party <div style="text-align: right;">Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></div>									
FISCAL DATA (If Applicable)									
Amount Expended		<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <p>Funds/Staffing Budgeted Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Positions Currently Authorized Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Impact on future O & M</p> </div> <div style="width: 60%;"> <p>If positions added, specify Class and Job No.</p> </div> </div>							
Fund SAP GL Account									
*Cost Center									
*Internal Order No. *WBS (Capital Proj.)									
*(Fill out only the field that is appropriate to your council action.)									
Comments:		Please submit 3 copies with your original							



SAN ANTONIO POLICE DEPARTMENT

Regulating
Motor-Assisted Scooters
Electric Motor Vehicles and
Mini-Motorbikes

Item #5
February 9, 2006



Motor-Assisted Scooter



"Motor-Assisted Scooter" means a self-propelled device with:

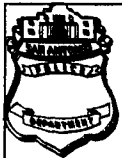
- (A) at least two wheels in contact with the ground during operation;
- (B) a braking system capable of stopping the device under typical operating conditions;
- (C) a gas or electric motor not exceeding 40 cubic centimeters;
- (D) a deck designed to allow a person to stand or sit while operating the device; and
- (E) the ability to be propelled by human power alone.



Motor-Assisted Scooters



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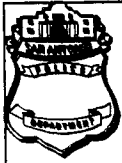
Neighborhood Electric Vehicle



"Neighborhood Electric Vehicle" means any 4-wheeled electric vehicle whose top speed is not greater than 25 miles per hour.



4

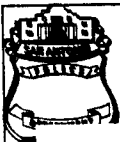


Mini-Motorbike (AKA Pocket Bikes)

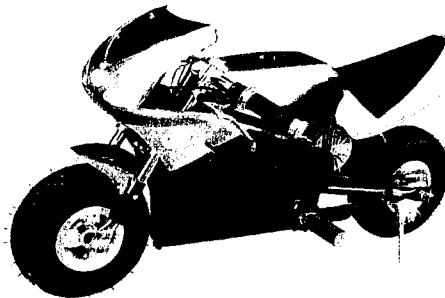


- A self-propelled vehicle equipped with an electric motor or internal combustion engine of less than 50 cc;
- Designed to propel itself with not more than two wheels in contact with the ground;
- Has a seat or saddle for the use of the operator;
- Is not designed for use on a highway;
- Usually between 15 to 18 inches high.

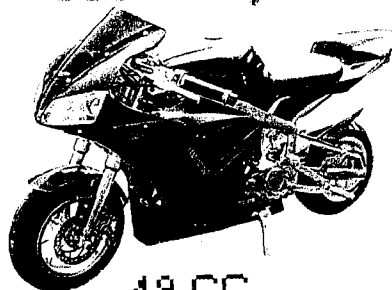
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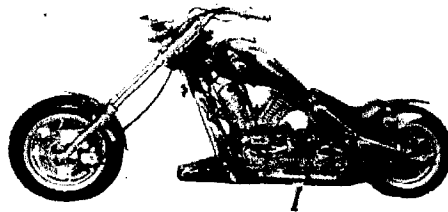
"Mini-Motorbike"



2 Stroke Super Bike



49 CC
2 Stroke Engine



This type of vehicle is not considered to be a motor assisted scooter, moped or motorcycle

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CONCERNS



- According to the U.S. Consumer Product Safety Commission:
- July 2003 – June 2004 - 10,015 emergency room injuries involving powered scooters.
- About 1/3 were younger than 15 years of age.
- October 1998 – November 2004 – 49 deaths; 29 were a result of MV accidents.
- Operators/riders are usually minors who are uninformed or disregard traffic laws.
- 11 accidents occurred in 2005 involving Mini-motorbikes.
- 12 persons were injured. Nine were transported to area hospitals as a result of these accidents.
- Citizen complaints concerning Motor-Assisted Scooters, Electric Motor Vehicles and Mini-Motorbikes on public roadways and sidewalks in their neighborhoods.
- Council interest in public safety by regulating Motor-Assisted Scooters, Electric Motor Vehicles and Mini-Motorbikes.

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Proposed City Ordinance



- Prohibit Motor-Assisted Scooters, Neighborhood Electric Vehicles and Mini-Motorbikes on streets, highways and sidewalks.
- Mini-Motorbikes will be prohibited in the City Parks.
- Motor-Assisted Scooters are prohibited in the City Parks except on exclusive bike paths and trails.
- Children must be under direct supervision of parent.
- Must wear a helmet if under 15 years of age.
- A person cannot alter a scooter from original manufacturer's design.
- \$500 Fine

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Staff Recommends Approval

9



Texas Cities Prohibiting Scooters



City of Plano

- Prohibited on streets; allowed on bicycle trails.
- Law holds custodians responsible for the operation.
- Under 18 years of age must have helmet.

City of Allen

- Prohibited on streets; allowed on bicycle trails.
- \$500 Fine

City of Richardson

- Prohibited on streets, unless operator has city issued permit.
- Helmet must be worn.
- \$200 Fine

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Texas Cities Prohibiting Scooters



City of Sweeny

- Prohibited on certain streets; allowed on sidewalks.
- Law gives pedestrians right of way on sidewalks.
- \$500 Fine

City of Greenville

- Prohibited on streets, sidewalks, highways and city parks.
- \$200 Fine

City of La Porte

- Prohibited on public roadways and during nighttime hours.
- Helmet must be worn if under 21 years of age.
- \$500 Fine for operation violation.